

Summary

Means of efficient public procurement as per the regulation in the Czech Republic

This paper focuses on the awarding of public contracts from the point of view of spending public money by contracting public authorities. In this paper, public procurement is approached not only in a way of common formal compliance with regulation but also in a way of economic balance, the latter being usually overlooked and thus the material point of public procurement, i.e. the efficient disbursement of public funds, is not achieved. There are two groups of mutually interconnected basic principles representing the material grounds of each of these two concepts. The first group is meant to secure fair competition whereas the second group's aim is to provide fundamental rules for the economical public purchasing by public authorities, including public procurement. Public purchase and its individual phases are analyzed and it is stressed that the resulting efficiency of public procurement depends also on the phases previous to the procurement procedure itself as well as on the phases following the conclusion of the contract with selected contractor. The initial theoretical part of this paper is supposed to show public procurement as a complex tool in order to satisfy the needs of a society where the mere compliance with the procedure should not be favored in the detriment of final value for money. The core of this paper lies in the chapters focusing on the legal instruments which may be used by the public authorities in order to increase the efficiency of public procurement. The paper aims at their respective problematic aspects arising out of the relevant regulation and their possible economic impact regarding particular public tender. The author reflects on ways how to increase the frequency of use of these legal instruments. As a result, it is suggested that it is mostly not the legal regulation that prevents public authorities from using the instruments. Although to a certain extent it is recommended to establish some of the mentioned instruments as a compulsory move instead of current conception of a voluntary step. The problem may also be found in doubts of especially smaller public authorities about legality of these instruments and related fears of penalties by the monitoring authorities. In order to increase the efficiency of Czech public procurement it is proposed to present these instruments in a way of practically oriented methodical instructions and seminars prepared by the central state authorities in order to increase awareness of these legal tools focused on the efficiency improvement.